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EXAMINER	
GHOWRWAL, OMAR J	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/593,423	BRISCOE ET AL.	
	Examiner	**Art Unit**	
	OMAR GHOWRWAL	2463	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _19 July 2010_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-29_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-29_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _7/19/10_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/19/10 has been entered.

Response to Remarks

1. This Office action is considered fully responsive to the amendment filed 7/19/10.

2. The rejections under U.S.C. 112 have been withdrawn because the Applicant has amended the claims accordingly.

Response to Arguments

3. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claim 1 is objected to because of the following informalities: "said subsequent data units" should be “subsequent data units", instances of “the event” should be “an event”, “the initial condition assigned in respect of previous data units" should be "the initial condition assigned in respect of data provided by said provider node".
Appropriate correction is required.

5. Claim 4 is objected to because of the following informalities: instances of “the event” should be “an event”. Appropriate correction is required.

6. Claim 5 is objected to because of the following informalities: “the possibility” should be “a possibility”. Appropriate correction is required.

7. Claim 9 is objected to because of the following informalities: “the initial condition assigned in respect of previous data units" should be "the initial condition assigned in respect of data provided by the provider node". Appropriate correction is required.

8. Claim 11 is objected to because of the following informalities: instances of “the event” should be “an event”, "the condition of the path characterization metric in respect of previous data" should be "a condition of the path characterization metric in respect of previous data". Appropriate correction is required.

9. Claim 13 is objected to because of the following informalities: instances of “the event” should be “an event”. Appropriate correction is required.

10. Claim 15 is objected to because of the following informalities: instances of “the event” should be “an event”. Appropriate correction is required.

11. Claim 16 is objected to because of the following informalities: instances of “the event” should be “an event”. Appropriate correction is required.

12. Claim 19 is objected to because of the following informalities: instances of “the event” should be “an event”. Appropriate correction is required.

13. Claim 20 is objected to because of the following informalities: instances of “the event” should be “an event”, “the initial condition assigned in respect of previous data"

should be “the initial condition assigned in respect of data”. Appropriate correction is required.

14. Claim 23 is objected to because of the following informalities: instances of “the event” should be “an event”. Appropriate correction is required.

15. Claim 24 is objected to because of the following informalities: instances of “the event” should be “an event”, “the initial condition assigned in respect of previous data” should be “the initial condition assigned in an event that said provider node provides data”. Appropriate correction is required.

16. Claim 26 is objected to because of the following informalities: instances of “the event” should be “an event”, “said subsequent data" should be "said further data", “the initial condition assigned in respect of previous data” should be “the initial condition assigned in an event that said provider node provides data”. Appropriate correction is required.

17. Claim 28 is objected to because of the following informalities: instances of “the event” should be “an event”, “the initial condition assigned in respect of previous data” should be “the initial condition assigned in an event that said provider node provides data”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

18. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

19. **Claims 1, 3, 6, 9-12, 14-16, 20-23, 28-29** are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Publication No. 2003/0115332 A1 to *Honeisen*.

As to **claim 1**, *Honeisen* discloses a data network (figs. 1-2, showing network of nodes) comprising:

a provider node, a receiver node, and a plurality of intermediate nodes (figs 1-2, 0061, 0077, UE1 = provider node, UE2 = receiver node, nodes in between them are intermediate nodes), the provider node being arranged to provide data to at least one of said intermediate nodes or to the receiver node, said intermediate nodes being arranged to receive data and forward data to at least one other intermediate node or to the receiver node, and the receiver node being arranged to receive data from at least one intermediate node or from the provider node (figs. 1-2, para. 0061, 0077, sending SIP Invite from UE 1 through intermediate nodes, which forward SIP Invite to UE 2); wherein:

said data comprises at least a part which relates to a path characterization metric (fig. 4c, para. 0085-0088, SIP Invite contains AMR_MASK value (i.e. path characterization metric) that indicates which AMR bit rates UE1 is willing and able to support);

said provider node is arranged to assign an initial condition to the path characterization metric in respect of data provided by it (fig. 4c, para. 0085-0088, UE1 assigns an initial value to the AMR_MASK, the initial condition indicates it supports all available AMR rates);

said intermediate nodes are arranged to update the condition of the path characterization metric in respect of data they forward (para. 0088-0093, intermediate nodes modify the AMR_MASK when they cannot support the bit rate, and forward the SIP invite message);

said receiver node is arranged to make available for the provider node discrepancy information indicative of a measure of any discrepancy between the condition of the path characterization metric in respect of data received by it and a predetermined target condition for the path characterization metric (para. 0096-0104, UE2 sends a reply message to UE1 after receiving SIP invite data, the message indicating bit rates not supported (condition of metric) by the nodes of the network, which differs from the predetermined target condition of all rates being supported (i.e. the message indicates the measure of discrepancy between what the UE1 requests and what the UE2 is capable of));

and said provider node is arranged to assign a different initial condition to the path characterization metric in respect of subsequent data provided by it in the event that it receives discrepancy information from said receiver node (para. 0105-0106, the UE1 takes into consideration the discrepancies from what it initially requested and what was provided in the reply, and generates a new message (i.e. subsequent data) that indicates a chosen codec to use (i.e. assign a different initial condition based on received discrepancies)), the initial condition assigned in respect of said subsequent data units differing from the initial condition assigned in respect of previous data units by a difference dependent on said discrepancy information (para. 0105-0106, the UE1

takes into consideration the discrepancies from what it initially requested and what was provided in the reply, and generates a new message with SIP header fields and an SDP body (i.e. subsequent data units) that indicates a chosen codec to use (i.e. assign a different initial condition based on received discrepancies); para. 0085, fig. 4c, the initial SIP Invite contains multiple fields and value (i.e. previous data units)--hence the SIP message generated (i.e. subsequent data units) by the UE1 after receiving a reply from UE2 assigns the chosen codec with respect to the previous SIP Invite (i.e. previous data units) based on a difference pertaining to which codecs are supported by the UE2 (i.e. discrepancy information between UE1 and UE2)).

As to claim 3, *Honeisen* further discloses a data network according to claim 1, wherein the condition assigned to the path characterization metric is a value, and the predetermined target condition is a value (para. 0086-0087, AMR_MASK takes an initial value of all 1's (i.e. predetermined target condition), each binary 1 indicates support, each binary 0 indicates no support--para. 0096, the condition received by the UE2 indicates modified values of 1's to show no support for particular rates).

As to claim 6, *Honeisen* further discloses a data network according to claim 1, wherein an intermediate node is arranged to update the condition of the path characterization metric in response to a path characteristic associated with that node (para. 0088-0093, intermediate nodes modify the AMR_MASK when they cannot support the bit rate).

As to **claim 9**, *Honeisen* discloses a method for assigning path characterization metrics to data (figs. 1-2, para. 0061, 0077, sending SIP Invite from UE 1 through

intermediate nodes, which forward SIP Invite to UE 2; fig. 4c, para. 0085-0088, SIP Invite contains AMR_MASK value (i.e. path characterization metric) that indicates which AMR bit rates UE1 is willing and able to support) in a data network comprising a provider node, a receiver node, and a plurality of intermediate nodes (figs 1-2, 0061, 0077, UE1 = provider node, UE2 = receiver node, nodes in between them are intermediate nodes), the provider node being arranged to provide data to at least one of said intermediate nodes or to the receiver node, said data comprising at least a part which relates to a path characterization metric, said intermediate nodes being arranged to receive data and forward data to at least one other intermediate node or to the receiver node, and the receiver node being arranged to receive data from at least one intermediate node or from the provider node (figs. 1-2, para. 0061, 0077, sending SIP Invite from UE 1 through intermediate nodes, which forward SIP Invite to UE 2; fig. 4c, para. 0085-0088, SIP Invite contains AMR_MASK value (i.e. path characterization metric) that indicates which AMR bit rates UE1 is willing and able to support); the method comprising steps of:

assigning an initial condition to the path characterization metric in respect of data provided by the provider node (fig. 4c, para. 0085-0088, UE1 assigns an initial value to the AMR_MASK, the initial condition indicates it supports all available AMR rates (i.e. in respect of SIP invite data sent by UE1));

updating the condition of the path characterization metric in respect of data forwarded by said intermediate nodes (para. 0088-0093, intermediate nodes modify the AMR_MASK when they cannot support the bit rate);

monitoring a final condition of the path characterization metric in respect of data received by the receiver node, and determining discrepancy information indicative of a measure of any discrepancy between said final condition and a predetermined target condition for the path characterization metric (para. 0096-0104, UE2 sends a reply message to UE1 after receiving SIP invite, the message indicating bit rates not supported by the nodes of the network (final condition), which differs from the predetermined target condition of all rates being supported (i.e. the message indicates the measure of discrepancy between what the UE1 requests and what the UE2 is capable of));

and assigning a different initial condition to the path characterization metric in respect of subsequent data provided by the provider node in the event that said discrepancy information indicates such a discrepancy in respect of previous data (para. 0105-0106, the UE1 takes into consideration the discrepancies from what it initially requested and what was provided in the reply (i.e. previous data), and generates a new message (i.e. subsequent data) that indicates a chosen codec to use (i.e. assign a different initial condition based on received discrepancies)), the initial condition assigned in respect of said subsequent data differing from the initial condition assigned in respect of previous data by a difference dependent on said discrepancy information (para. 0105-0106, the UE1 takes into consideration the discrepancies from what it initially requested and what was provided in the reply, and generates a new message with SIP header fields and an SDP body (i.e. subsequent data) that indicates a chosen codec to use (i.e. assign a different initial condition based on received discrepancies);

para. 0085, fig. 4c, the initial SIP Invite contains multiple fields and value (i.e. previous data)--hence the SIP message generated (i.e. subsequent data) by the UE1 after receiving a reply from UE2 assigns the chosen codec with respect to the previous SIP Invite (i.e. previous data) based on a difference pertaining to which codecs are supported by the UE2 (i.e. discrepancy information between UE1 and UE2)).

As to claim 10, *Honeisen* further discloses a method according to claim 9, wherein the condition assigned to the path characterization metric is a value, and the predetermined target condition is a value (para. 0086-0087, AMR_MASK takes an initial value of all 1's (i.e. predetermined target condition), each binary 1 indicates support, each binary 0 indicates no support--para. 0096, the condition received by the UE2 indicates modified values of 1's to show no support for particular rates).

As to **claim 11**, *Honeisen* discloses a feedback node for enabling an initial condition to be assigned to a path characterization metric in respect of data to be forwarded through a data network (figs 1-2, 0061, 0077, UE1 = provider node, feedback node, UE2 = receiver node, nodes in between them are intermediate nodes; .fig. 4c, para. 0085-0088, UE1 assigns an initial value to the AMR_MASK, the initial condition indicates it supports all available AMR rates (i.e. initial condition), this being sent in an SIP invite (i.e. in respect to data to be forwarded)), said data network comprising a provider node, a receiver node and a plurality of intermediate nodes, said data comprising at least a part which relates to a path characterization metric (figs 1-2, 0061, 0077, UE1 = provider node, feedback node, UE2 = receiver node, nodes in between them are intermediate nodes; fig. 4c, para. 0085-0088, SIP Invite contains AMR_MASK

value (i.e. path characterization metric) that indicates which AMR bit rates UE1 is willing and able to support); said provider node being arranged to assign an initial condition to the path characterization metric in respect of data, and to provide said data to at least one of said intermediate nodes or to the receiver node (fig. 4c, para. 0085-0088, UE1 assigns an initial value to the AMR_MASK, the initial condition indicates it supports all available AMR rates (i.e. in respect of SIP invite data sent by UE1), figs. 1-2, SIP invite forwarded to intermediate nodes which forward to receiver); said intermediate nodes being arranged to receive data from said provider node or from one or more other intermediate nodes, to update a condition of the path characterization metric in respect of data received by them, and to forward data to at least one other intermediate node or to the receiver node (para. 0088-0093, intermediate nodes modify the AMR_MASK when they cannot support the bit rate received in SIP invite from provider, forward to each other then to UE2); and said receiver node being arranged to receive data from at least one intermediate node or from the provider node, and to make available for the feedback node information relating to the path characterization metric in respect of data received by it (para. 0096-0104, UE2 sends a reply message to UE1 after receiving SIP invite from intermediate node, the message indicating bit rates not supported by the nodes of the network, which differs from the predetermined target condition of all rates being supported (i.e. the message indicates the measure of discrepancy between what the UE1 requests and what the UE2 is capable of)), said feedback node comprising:

at least one message processor (para. 0107, fig. 5, UE1, UE2 contain microprocessor that control operation of node) arranged to enable a different initial

condition to be assigned to the path characterization metric in respect of subsequent data provided by the provider node in the event that said feedback node receives information indicative of a discrepancy between a predetermined target condition for the path characterization metric and the condition of the path characterization metric in respect of previous data received by said receiver node (para. 0105-0106, the UE1 takes into consideration the discrepancies from what it initially requested and what was provided in the reply (i.e. previous data), and generates a new message (i.e. subsequent data) that indicates a chosen codec to use (i.e. assign a different initial condition based on received discrepancies)), the initial condition assigned in respect of said subsequent data differing from the initial condition in respect of previous data by a difference dependent on said discrepancy information (para. 0105-0106, the UE1 takes into consideration the discrepancies from what it initially requested and what was provided in the reply, and generates a new message with SIP header fields and an SDP body (i.e. subsequent data) that indicates a chosen codec to use (i.e. assign a different initial condition based on received discrepancies); para. 0085, fig. 4c, the initial SIP Invite contains multiple fields and value (i.e. previous data)--hence the SIP message generated (i.e. subsequent data) by the UE1 after receiving a reply from UE2 assigns the chosen codec with respect to the previous SIP Invite (i.e. previous data) based on a difference pertaining to which codecs are supported by the UE2 (i.e. discrepancy information between UE1 and UE2)).

As to claim 12, *Honeisen* further discloses a feedback node according to claim 11, wherein the condition assigned to the path characterization metric is a value, and

the predetermined target condition is a value (para. 0086-0087, AMR_MASK takes an initial value of all 1's (i.e. predetermined target condition), each binary 1 indicates support, each binary 0 indicates no support--para. 0096, the condition received by the UE2 indicates modified values of 1's to show no support for particular rates).

As to claim 14, *Honeisen* further discloses a feedback node according to claim 11, said feedback node also serving as said provider node in said network (figs 1-2, 0061, 0077, UE1 = provider node, feedback node, UE2 = receiver node, nodes in between them are intermediate nodes; note from claim 11 the UE1 provides the feedback functions).

As to claim 15, *Honeisen* further discloses a feedback node according to claim 14, said feedback node being arranged to assign a different initial condition to the path characterization metric in respect of subsequent data in the event that it receives, from said receiver node, a measure of a discrepancy between said predetermined target condition for the path characterization metric and the condition of the path characterization metric in respect of previous data received by said receiver node (para. 0105-0106, the UE1 takes into consideration the discrepancies from what it initially requested and what was provided in the reply, and generates a new message with SIP header fields and an SDP body (i.e. subsequent data) that indicates a chosen codec to use (i.e. assign a different initial condition based on received discrepancies); para. 0085, fig. 4c, the initial SIP Invite contains multiple fields and value (i.e. previous data)--hence the SIP message generated (i.e. subsequent data) by the UE1 after receiving a reply from UE2 assigns the chosen codec with respect to the previous SIP Invite (i.e.

previous data) based on a difference pertaining to which codecs are supported by the UE2 (i.e. discrepancy information between UE1 and UE2)).

As to claim 16, *Honeisen* further discloses a feedback node according to claim 14, said feedback node being arranged to assign a different initial condition to the path characterization metric in respect of subsequent data in the event that it receives, from said receiver node, information indicative of the condition of the path characterization metric in respect of previous data received by said receiver node, and determines that there is a discrepancy between said condition of the path characterization metric and said predetermined target condition for the path characterization metric (para. 0105-0106, the UE1 takes into consideration the discrepancies from what it initially requested and what was provided in the reply, and generates a new message with SIP header fields and an SDP body (i.e. subsequent data) that indicates a chosen codec to use (i.e. assign a different initial condition based on received discrepancies); para. 0085, fig. 4c, the initial SIP Invite contains multiple fields and value (i.e. previous data)--hence the SIP message generated (i.e. subsequent data) by the UE1 after receiving a reply from UE2 assigns the chosen codec with respect to the previous SIP Invite (i.e. previous data) based on a difference pertaining to which codecs are supported by the UE2 (i.e. discrepancy information between UE1 and UE2)).

As to **claim 20**, *Honeisen* discloses a method of providing data in a data network comprising a provider node, a receiver node and a plurality of intermediate nodes, the provider node being arranged to provide data to at least one of said intermediate nodes or to the receiver node, said data comprising at least a part which relates to a path

characterization metric (figs 1-2, 0061, 0077, UE1 = provider node, feedback node, UE2 = receiver node, nodes in between them are intermediate nodes; .fig. 4c, para. 0085-0088, UE1 assigns an initial value to the AMR_MASK, the initial condition indicates it supports all available AMR rates (i.e. metric), this being sent in an SIP invite (i.e. data containing metric)); said intermediate nodes being arranged to receive data from said provider node or from one or more other intermediate nodes, to update a condition of the path characterization metric in respect of data received by them, and to forward data to at least one other intermediate node or to the receiver node (para. 0088-0093, intermediate nodes modify the AMR_MASK (received from provider node) when they cannot support the bit rate, forward the message to each other then to UE2); and said receiver node being arranged to receive data from at least one intermediate node or from the provider node, and to make available for the provider node information indicative of a discrepancy between an eventual condition of the path characterization metric in respect of data received by it and a predetermined target condition for the path characterization metric (para. 0096-0104, UE2 sends a reply message to UE1 after receiving SIP invite from intermediate node, the message indicating bit rates not supported by the nodes of the network, which differs from the predetermined target condition of all rates being supported (i.e. the message indicates the measure of discrepancy between what the UE1 requests (predetermined target) and what the UE2 is capable of (eventual))); the method comprising the steps of:

assigning an initial condition to the path characterization metric in respect of data (fig. 4c, para. 0085-0088, UE1 assigns an initial value to the AMR_MASK, the initial

condition indicates it supports all available AMR rates (i.e. in respect of SIP invite data sent by UE1));

providing said data to at least one of said intermediate nodes (para. 0088-0093, intermediate nodes modify the AMR_MASK (received from provider node) when they cannot support the bit rate, forward the message to each other then to UE2);

receiving information relating to said eventual condition of the path characterization metric in respect of previously-provided data received by said receiver node (para. 0096-0104, UE2 sends a reply message to UE1 after receiving SIP invite from intermediate node, the message indicating bit rates not supported by the nodes of the network, which differs from the predetermined target condition of all rates being supported (i.e. the message indicates the measure of discrepancy between what the UE1 requests (predetermined target) and what the UE2 is capable of (eventual)), this is in respect to the original SIP invite received at receiver node);

and assigning a different initial condition to the path characterization metric in respect of subsequent data in the event of receipt of discrepancy information indicative of a measure of any discrepancy between said eventual condition of the path characterization metric and a predetermined target condition for the path characterization metric (para. 0105-0106, the UE1 takes into consideration the discrepancies from what it initially requested (predetermined target) and what was provided in the reply (i.e. previous data, eventual condition), and generates a new message (i.e. subsequent data) that indicates a chosen codec to use (i.e. assign a different initial condition based on received discrepancies)), the initial condition

assigned in respect of said subsequent data differing form the initial condition assigned in respect of previous data by a difference dependent on said discrepancy information (para. 0105-0106, the UE1 takes into consideration the discrepancies from what it initially requested and what was provided in the reply, and generates a new message with SIP header fields and an SDP body (i.e. subsequent data) that indicates a chosen codec to use (i.e. assign a different initial condition based on received discrepancies); para. 0085, fig. 4c, the initial SIP Invite contains multiple fields and value (i.e. previous data)--hence the SIP message generated (i.e. subsequent data) by the UE1 after receiving a reply from UE2 assigns the chosen codec with respect to the previous SIP Invite (i.e. previous data) based on a difference pertaining to which codecs are supported by the UE2 (i.e. discrepancy information between UE1 and UE2)).

As to claim 21, *Honeisen* further discloses a method according to claim 20, wherein the condition assigned to the path characterization metric is a value, and the predetermined target condition is a value (para. 0086-0087, AMR_MASK takes an initial value of all 1’s (i.e. predetermined target condition), each binary 1 indicates support, each binary 0 indicates no support--para. 0096, the condition received by the UE2 indicates modified values of 1's to show no support for particular rates).

As to claim 22, *Honeisen* further discloses a method according to claim 20, said receiver node being arranged to make available for the provider node a measure of a discrepancy between said predetermined target condition for the path characterization metric and said eventual condition of the path characterization metric in respect of previous data received, whereby to enable said provider node to assign a different initial

condition to the path characterization metric in respect of subsequent data (para. 0105-0106, the UE1 takes into consideration the discrepancies from what it initially requested (predetermined target) and what was provided in the reply (eventual condition), and generates a new message with SIP header fields and an SDP body (i.e. subsequent data) that indicates a chosen codec to use (i.e. assign a different initial condition based on received discrepancies); para. 0085, fig. 4c, the initial SIP Invite contains multiple fields and value (i.e. previous data)--hence the SIP message generated (i.e. subsequent data) by the UE1 after receiving a reply from UE2 assigns the chosen codec with respect to the previous SIP Invite (i.e. previous data) based on a difference pertaining to which codecs are supported by the UE2 (i.e. discrepancy information between UE1 and UE2)).

As to claim 23, *Honeisen* further discloses a method according to claim 20, said receiver node being arranged to make available for the provider node information indicative of the condition of said eventual path characterization metric in respect of previously received data, whereby to enable said provider node to assign a different initial condition to the path characterization metric in respect of subsequent data in the event that said provider node determines that there is a discrepancy between said condition of the path characterization metric and said predetermined target condition for the path characterization metric (para. 0105-0106, the UE1 takes into consideration the discrepancies from what it initially requested (predetermined target) and what was provided in the reply (eventual condition), and generates a new message with SIP header fields and an SDP body (i.e. subsequent data) that indicates a chosen codec to

use (i.e. assign a different initial condition based on received discrepancies); para. 0085, fig. 4c, the initial SIP Invite contains multiple fields and value (i.e. previous data)--hence the SIP message generated (i.e. subsequent data) by the UE1 after receiving a reply from UE2 assigns the chosen codec with respect to the previous SIP Invite (i.e. previous data) based on a difference pertaining to which codecs are supported by the UE2 (i.e. discrepancy information between UE1 and UE2)).

As to **claim 28**, *Honeisen* discloses a path characterization system for providing path characterization information in association with a data network, said data network comprising a plurality of nodes including a provider node, a receiver node, and at least one intermediate node, the provider node being arranged to provide data to at least one intermediate node or to the receiver node, an intermediate node being arranged to receive data and to forward data to at least one other intermediate node or to the receiver node, and the receiver node being arranged to receive data from the provider node or from at least one intermediate node (figs 1-2, 0061, 0077, UE1 = provider node, feedback node, UE2 = receiver node, nodes in between them are intermediate nodes; .fig. 4c, para. 0085-0088, UE1 assigns an initial value to the AMR_MASK, the initial condition indicates it supports all available AMR rates, this being sent in an SIP invite (i.e. data containing metric) to intermediate nodes which send to UE2); the path characterization system comprising:

a path characterization metric condition assigning means, associated with the provider node, arranged to assign an initial condition to a path characterization metric in the event that said provider node provides data (fig. 4c, para. 0085-0088, UE1 assigns

an initial value to the AMR_MASK, the initial condition indicates it supports all available AMR rates (i.e. in respect of SIP invite data sent by UE1), para. 0107, microprocessor performs node functions);

a path characterization metric updating means, associated with an intermediate node, arranged to update the condition of the path characterization metric in the event that said node receives data (para. 0088-0093, intermediate nodes modify the AMR_MASK (received from provider node) when they cannot support the bit rate, forward the message to each other then to UE2, para. 0110, processor in intermediate nodes control functions);

and a path characterization metric feedback means, associated with the receiver node, arranged to determine an eventual condition of the path characterization metric in the event that said receiver node receives said data, and to make available for the path characterization metric condition assigning means discrepancy information indicative of a measure of any discrepancy between the eventual condition of the path characterization metric and a predetermined target condition for the path characterization metric (para. 0085, para. 0102-0106, fig. 4c, the initial SIP Invite contains multiple fields and value--hence the SIP message generated by the UE1 after receiving a reply from UE2 (containing discrepancy information that shows difference between initial request (predetermined target) and what UE2 is capable of (eventual condition)) assigns the chosen codec with respect to the previous SIP Invite based on a difference pertaining to which codecs are supported by the UE2 (i.e. discrepancy

information between UE1 and UE2), para. 0107, microprocessor performs node functions);

wherein said path characterization metric condition assigning means is arranged to assign a different initial condition to a path characterization metric associated with subsequent data in the event that feedback is made available indicative of such a discrepancy between the eventual condition of the path characterization metric and the predetermined target condition in relation to a previous path characterization metric (para. 0105-0106, the UE1 takes into consideration the discrepancies from what it initially requested (predetermined target) and what was provided in the reply (eventual condition), and generates a new message with SIP header fields and an SDP body that indicates a chosen codec to use (i.e. assign a different initial condition based on received discrepancies); para. 0085, fig. 4c, the initial SIP Invite contains multiple fields and value--hence the SIP message generated by the UE1 after receiving a reply from UE2 assigns the chosen codec with respect to the previous SIP Invite based on a difference pertaining to which codecs are supported by the UE2 (i.e. discrepancy information between UE1 and UE2)), the initial condition assigned in respect of said subsequent data differing from the initial condition assigned in respect of previous data by a difference dependent on said discrepancy information (para. 0105-0106, the UE1 takes into consideration the discrepancies from what it initially requested (predetermined target, previous data) and what was provided in the reply (eventual condition), and generates a new message with SIP header fields and an SDP body (i.e.

subsequent data) that indicates a chosen codec to use (i.e. assign a different initial condition based on received discrepancies)).

As to claim 29, *Honeisen* further discloses a path characterization system according to claim 28, wherein the condition assigned to the path characterization metric is a value, and the predetermined target condition is a value (para. 0086-0087, AMR_MASK takes an initial value of all 1's (i.e. predetermined target condition), each binary 1 indicates support, each binary 0 indicates no support--para. 0096, the condition received by the UE2 indicates modified values of 1's to show no support for particular rates).

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

21. **Claims 2, 7-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2003/0115332 A1 to *Honeisen* in view of U.S. Publication No. 2003/0202469 A1 to *Cain*.

As to claim 2, *Honeisen* does not expressly further disclose a data network according to claim 1, wherein the condition of the path characterization metric at a node is indicative of a measure of congestion expected to be experienced by data on a path downstream of that node.

Cain discloses para. 0031, QoS parameter is based upon end-to-end delay, end-to-end delay variation, expected path durability, the QoS parameter pertaining to an updatable QoS metric.

Honeisen and *Cain* are analogous art because they are from the same field of endeavor regarding data processing.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to incorporate the QoS parameter as taught by Cain into the invention of Honeisen. The suggestion/motivation would have been to have a basis upon which to discover routing to a destination node (Cain, para. 0031).

As to claim 7, *Honeisen* does not expressly further disclose a data network according to claim 6, wherein said path characteristic relates to a measure of congestion on a path associated with that node.

Cain discloses para. 0031, QoS parameter is based upon end-to-end delay, end-to-end delay variation, expected path durability, the QoS parameter pertaining to an updatable QoS metric.

Honeisen and *Cain* are analogous art because they are from the same field of endeavor regarding data processing.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to incorporate the QoS parameter as taught by Cain into the invention of Honeisen. The suggestion/motivation would have been to have a basis upon which to discover routing to a destination node (Cain, para. 0031).

As to claim 8, *Honeisen* does not expressly further disclose a data network according to claim 6 wherein said path characteristic relates to a measure of congestion on a path downstream of that node.

Cain discloses para. 0031, QoS parameter is based upon end-to-end delay, end-to-end delay variation, expected path durability, the QoS parameter pertaining to an updatable QoS metric.

Honeisen and *Cain* are analogous art because they are from the same field of endeavor regarding data processing.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to incorporate the QoS parameter as taught by Cain into the invention of Honeisen. The suggestion/motivation would have been to have a basis upon which to discover routing to a destination node (Cain, para. 0031).

22. **Claims 4-5, 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2003/0115332 A1 to *Honeisen* in view of U.S. Patent No. 7,433,311 B1 to *Kalyanasundaram et al.* ("*Kal*").

As to claim 4, *Honeisen* further discloses a data network according to claim 1, wherein in the event that said provider node assigns a different initial condition to the path characterization metric in respect of subsequent data provided by it, said different initial condition is assigned to pertain to a corresponding discrepancy in respect of said subsequent data received by said receiver node (para. 0105-0106, figs. 1-2, the UE1 takes into consideration the discrepancies from what it initially requested

(predetermined target, previous data) and what was provided in the reply (eventual condition), and generates a new message with SIP header fields and an SDP body (i.e. subsequent data) that indicates a chosen codec to use (i.e. assign a different initial condition based on received discrepancies) sent to UE2).

Honeisen does not expressly disclose a data network according to claim 1, wherein in the event that said provider node assigns a different initial condition to the path characterization metric in respect of subsequent data provided by it, said different initial condition is assigned *to decrease a corresponding discrepancy* in respect of said subsequent data received by said receiver node.

Kal discloses calculating a new value for a current resource setting that more closely approximates a value of an actual resource setting of the resource of the communications channel (fig. 2, item 202-2). Furthermore, this is performed by a client (provider) device (col. 14, lines 15-19) and the new value is sent to a network resource allocator (receiver) (fig. 2, item 202-3), i.e. discrepancy between the two values is decreased and this is sent to the receiver from the provider. Moreover, the reason for calculating a new value is based upon a detection of a negotiation event (col. 16, lines 14-16).

Honeisen and *Kal* are analogous art because they are from the same field of endeavor regarding data processing.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to incorporate the approximating a new value of a resource setting as taught by Kal into the invention of Honeisen. The suggestion/motivation would have been to

adjust allocation of a resource in a data communications channel (Kal, col. 9, lines 10-13).

As to claim 5, *Honeisen* and *Kal* further disclose a data network according to claim 4, wherein said different initial condition is assigned to maximize the possibility that said corresponding discrepancy in respect of said subsequent data received by said receiver node will be zero (Kal, fig. 2, item 202-2, 202-3, more closely approximating a value, which pertains to having zero discrepancy). In addition, the same suggestion/motivation of claim 4 applies.

As to claim 13, *Honeisen* further discloses a feedback node according to claim 11, wherein in the event that a different initial condition is assigned to the path characterization metric in respect of subsequent data, said different initial condition is assigned to pertain to a corresponding discrepancy in respect of said subsequent data received by said receiver node (para. 0105-0106, the UE1 takes into consideration the discrepancies from what it initially requested (predetermined target, previous data) and what was provided in the reply (eventual condition), and generates a new message with SIP header fields and an SDP body (i.e. subsequent data) that indicates a chosen codec to use (i.e. assign a different initial condition based on received discrepancies) sent to UE2).

Honeisen does not expressly disclose a feedback node according to claim 11, wherein in the event that a different initial condition is assigned to the path characterization metric in respect of subsequent data, said different initial condition is

assigned *to decrease a corresponding discrepancy* in respect of said subsequent data received by said receiver node.

Kal discloses calculating a new value for a current resource setting that more closely approximates a value of an actual resource setting of the resource of the communications channel (fig. 2, item 202-2). Furthermore, this is performed by a client (provider) device (col. 14, lines 15-19) and the new value is sent to a network resource allocator (receiver) (fig. 2, item 202-3), i.e. discrepancy between the two values is decreased and this is sent to the receiver from the provider. Moreover, the reason for calculating a new value is based upon a detection of a negotiation event (col. 16, lines 14-16).

Honeisen and *Kal* are analogous art because they are from the same field of endeavor regarding data processing.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to incorporate the approximating a new value of a resource setting as taught by Kal into the invention of Honeisen. The suggestion/motivation would have been to adjust allocation of a resource in a data communications channel (Kal, col. 9, lines 10-13).

23. **Claims 17-19** rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2003/0115332 A1 to *Honeisen* in view of U.S. Patent No. 6,633,538 B1 to *Tanaka et al.* (“*Tanaka*”).

As to claim 17, *Honeisen* does not expressly disclose a feedback node according to claim 11, said feedback node also serving as said receiver node in said network.

Tanaka discloses duplicating the resource of the master node to each slave node and the master node representing the functions of each slave node while duplicating (abstract), i.e. a node (feedback) also can function as another node (receiver).

Honeisen and *Tanaka* are analogous art because they are from the same field of endeavor regarding data processing.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to incorporate the duplication process as taught by Tanaka into the invention of Honeisen. The suggestion/motivation would have been to represent the functions of a node stopped (Tanaka, col. 1, lines 7-11).

As to claim 18, *Honeisen* and *Tanaka* further disclose a feedback node according to claim 17, said feedback node being arranged to make available for the provider node a measure of a discrepancy between said predetermined target condition for the path characterization metric and the condition of the path characterization metric in respect of previous data received by said receiver node, whereby to enable said provider node to assign a different initial condition to the path characterization metric in respect of subsequent data (Honeisen, para. 0101-0106, the UE1 takes into consideration the discrepancies from what it initially requested (predetermined target, previous data), and what was provided in the reply (condition), and generates a new message with SIP header fields and an SDP body (subsequent data) that indicates a chosen codec to use (i.e. assign a different initial condition based on received discrepancies); para. 0085, fig. 4c, the initial SIP Invite contains multiple fields and value--hence the SIP message generated by the UE1 after receiving a reply (para. 0101-0106, containing discrepancy

in codecs supported by UE2 from those asked for from UE1) from UE2 assigns the chosen codec with respect to the previous SIP Invite (previous data, predetermined target) based on a difference pertaining to which codecs are supported by the UE2 (i.e. discrepancy information between UE1 and UE2)). In addition, the same suggestion/motivation of claim 17 applies.

As to claim 19, *Honeisen* and *Tanaka* further disclose a feedback node according to claim 17, said feedback node being arranged to make available for the provider node information indicative of the condition of the path characterization metric in respect of previous data received by said receiver node, whereby to enable said provider node to assign a different initial condition to the path characterization metric in respect of subsequent data in the event that said provider node determines that there is a discrepancy between said condition of the path characterization metric and said predetermined target condition for the path characterization metric (Honeisen, para. 0101-0106, the UE1 takes into consideration the discrepancies from what it initially requested (predetermined target, previous data), and what was provided in the reply (condition), and generates a new message with SIP header fields and an SDP body (subsequent data) that indicates a chosen codec to use (i.e. assign a different initial condition based on received discrepancies); para. 0085, fig. 4c, the initial SIP Invite contains multiple fields and value--hence the SIP message generated by the UE1 after receiving a reply (para. 0101-0106, containing discrepancy in codecs supported by UE2 from those asked for from UE1) from UE2 assigns the chosen codec with respect to the previous SIP Invite (previous data, predetermined target) based on a difference

pertaining to which codecs are supported by the UE2 (i.e. discrepancy information between UE1 and UE2)). In addition, the same suggestion/motivation of claim 17 applies.

24. **Claims 24-27** rejected under 35 U.S.C. 103(a) as being unpatentable over U U.S. Publication No. 2003/0115332 A1 to *Honeisen* in view of U.S. Publication No. 2002/0015395 A1 to *Karagiannis*.

As to **claim 24**, *Honeisen* discloses a method for providing path characterization information for nodes in a network, said network comprising a plurality of nodes including a provider node, a receiver node, and at least one intermediate node (figs 1-2, 0061, 0077, UE1 = provider node, feedback node, UE2 = receiver node, nodes in between them are intermediate nodes; .fig. 4c, para. 0085-0088, UE1 assigns an initial value to the AMR_MASK, the initial condition indicates it supports all available AMR rates, this being sent in an SIP invite (i.e. data containing metric) to intermediate nodes which send to UE2), the provider node being arranged to provide data to at least one intermediate node or to the receiver node, an intermediate node being arranged to receive data and to forward data to at least one other intermediate node or to the receiver node, and the receiver node being arranged to receive data from the provider node or from at least one intermediate node (figs 1-2, 0061, 0077, UE1 = provider node, feedback node, UE2 = receiver node, nodes in between them are intermediate nodes; .fig. 4c, para. 0085-0088, UE1 assigns an initial value to the AMR_MASK, the initial condition indicates it supports all available AMR rates, this being sent in an SIP invite

(i.e. data containing metric) to intermediate nodes which send to UE2); the method comprising steps of:

assigning an initial condition to a path characterization metric in the event that said provider node provides data, said path characterization metric being associated with said data (fig. 4c, para. 0085-0088, UE1 assigns an initial value to the AMR_MASK, the initial condition indicates it supports all available AMR rates (i.e. in respect of SIP invite data sent by UE1));

updating the condition of the path characterization metric in the event that an intermediate node receives said data (para. 0088-0093, intermediate nodes modify the AMR_MASK (received from provider node) when they cannot support the bit rate, forward the message to each other then to UE2);

determining an eventual condition of the path characterization metric in the event that said receiver node receives said data (para. 0085, para. 0102-0106, fig. 4c, the initial SIP Invite contains multiple fields and value--hence the SIP message generated by the UE1 after receiving a reply from UE2 (containing eventual condition information that shows difference between initial request and what UE2 is capable of) assigns the chosen codec with respect to the previous SIP Invite based on a difference pertaining to which codecs are supported by the UE2 (i.e. discrepancy information between UE1 and UE2));

and establishing discrepancy information indicative of a measure of any discrepancy that exists between the eventual condition of the path characterization metric and a predetermined target condition (para. 0085, para. 0102-0106, fig. 4c, the

initial SIP Invite contains multiple fields and value--hence the SIP message generated by the UE1 after receiving a reply from UE2 (containing discrepancy information that shows difference between initial request (predetermined target) and what UE2 is capable of) assigns the chosen codec with respect to the previous SIP Invite based on a difference pertaining to which codecs are supported by the UE2 (i.e. discrepancy information between UE1 and UE2));

wherein, in the event that it is established that a discrepancy does exist between said eventual condition and said predetermined target condition, said method further comprises steps of:

assigning a different initial condition to a further path characterization metric in the event that said provider node subsequently provides further data, said further path characterization metric being associated with said further data, the initial condition assigned in respect of said subsequent data differing from the initial condition assigned in respect of previous data by a difference dependent on said discrepancy information (para. 0101-0106, the UE1 takes into consideration the discrepancies from what it initially requested (predetermined target, previous data), and what was provided in the reply (condition), and generates a new message (further data) with SIP header fields and an SDP body (metric) that indicates a chosen codec (different initial condition) to use (i.e. assign a different initial condition based on received discrepancies));

updating the condition of said further path characterization metric in the event that an intermediate node receives said further data (para. 0106, codec of third

message can be changed during the established session, i.e. nodes have already received third message).

Honeisen does not expressly disclose and making information indicative of said updated condition available to said intermediate node.

Karagiannis discloses an RSVP reservation state is updated periodically and this update is sent from the source through intermediate nodes to the destination (para. 0023, para. 0046-0047, fig. 3), i.e. intermediate node is aware of an update after path established.

Honeisen and *Karagiannis* are analogous art because they are from the same field of endeavor regarding data processing.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to incorporate the Updates as taught by Karagiannis into the invention of Honeisen. The suggestion/motivation would have been to update soft states in order that they are not removed (Karagiannis, para. 0023, 0046).

As to claim 25, *Honeisen* and *Karagiannis* further disclose a method according to claim 24, wherein the condition assigned to the path characterization metric is a value, and the predetermined target condition is a value (Honeisen, para. 0086-0087, AMR_MASK takes an initial value of all 1's (i.e. predetermined target condition), each binary 1 indicates support, each binary 0 indicates no support--para. 0096, the condition received by the UE2 indicates modified values of 1's to show no support for particular rates). In addition, the same suggestion/motivation of claim 24 applies.

As to **claim 26**, *Honeisen* discloses a method for providing path characterization information for nodes in a network, said network comprising a plurality of nodes including a provider node, a receiver node, and at least one intermediate node (figs 1-2, 0061, 0077, UE1 = provider node, feedback node, UE2 = receiver node, nodes in between them are intermediate nodes; .fig. 4c, para. 0085-0088, UE1 assigns an initial value to the AMR_MASK, the initial condition indicates it supports all available AMR rates, this being sent in an SIP invite (i.e. data containing metric) to intermediate nodes which send to UE2), the provider node being arranged to provide data to at least one intermediate node or to the receiver node, an intermediate node being arranged to receive data and to forward data to at least one other intermediate node or to the receiver node, and the receiver node being arranged to receive data from the provider node or from at least one intermediate node (figs 1-2, 0061, 0077, UE1 = provider node, feedback node, UE2 = receiver node, nodes in between them are intermediate nodes; .fig. 4c, para. 0085-0088, UE1 assigns an initial value to the AMR_MASK, the initial condition indicates it supports all available AMR rates, this being sent in an SIP invite (i.e. data containing metric) to intermediate nodes which send to UE2); the method comprising steps of:

assigning an initial condition to a path characterization metric in the event that said provider node provides data, said path characterization metric being associated with said data (fig. 4c, para. 0085-0088, UE1 assigns an initial value to the AMR_MASK, the initial condition indicates it supports all available AMR rates (i.e. in respect of SIP invite data sent by UE1));

updating the condition of the path characterization metric in the event that an intermediate node receives said data (para. 0088-0093, intermediate nodes modify the AMR_MASK (received from provider node) when they cannot support the bit rate, forward the message to each other then to UE2);

determining an eventual condition of the path characterization metric in the event that said receiver node receives said data (para. 0085, para. 0102-0106, fig. 4c, the initial SIP Invite contains multiple fields and value--hence the SIP message generated by the UE1 after receiving a reply from UE2 (containing eventual condition information that shows difference between initial request and what UE2 is capable of) assigns the chosen codec with respect to the previous SIP Invite based on a difference pertaining to which codecs are supported by the UE2 (i.e. discrepancy information between UE1 and UE2));

and establishing discrepancy information indicative of a measure of any discrepancy which exists between the eventual condition of the path characterization metric and a predetermined target condition (para. 0085, para. 0102-0106, fig. 4c, the initial SIP Invite contains multiple fields and value--hence the SIP message generated by the UE1 after receiving a reply from UE2 (containing discrepancy information that shows difference between initial request (predetermined target) and what UE2 is capable of) assigns the chosen codec with respect to the previous SIP Invite based on a difference pertaining to which codecs are supported by the UE2 (i.e. discrepancy information between UE1 and UE2));

wherein, in the event that it is established that a discrepancy does exist between said eventual condition and said predetermined target condition, said method further comprises steps of:

assigning a different initial condition to a further path characterization metric in the event that said provider node subsequently provides further data, said further path characterization metric being associated with said further data, the initial condition assigned in respect of said subsequent data differing from the initial condition assigned in respect of previous data by a difference dependent on said discrepancy information (para. 0101-0106, the UE1 takes into consideration the discrepancies from what it initially requested (predetermined target, previous data), and what was provided in the reply (condition), and generates a new message (further data) with SIP header fields and an SDP body (metric) that indicates a chosen codec (different initial condition) to use (i.e. assign a different initial condition based on received discrepancies));

updating the condition of said further path characterization metric in the event that an intermediate node receives said further data (para. 0106, codec of third message can be changed during the established session, i.e. nodes have already received third message);

and making information relating to the discrepancy between the eventual condition of a previous path characterization metric and said predetermined target condition available to said intermediate node (para. 0101-0106, reply (information) from UE2 is sent through intermediate nodes, reply indicating discrepancy between UE1 codec request (target), and what UE2 is capable of (eventual condition)).

Honeisen does not expressly disclose *and making information indicative of said updated condition available to said intermediate node*.

Karagiannis discloses an RSVP reservation state is updated periodically and this update is sent from the source through intermediate nodes to the destination (para. 0023, para. 0046-0047, fig. 3), i.e. intermediate node is aware of an update after path established.

Honeisen and *Karagiannis* are analogous art because they are from the same field of endeavor regarding data processing.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to incorporate the Updates as taught by Karagiannis into the invention of Honeisen. The suggestion/motivation would have been to update soft states in order that they are not removed (Karagiannis, para. 0023, 0046).

As to claim 27, *Honeisen* and *Karagiannis* further disclose a method according to claim 26, wherein the condition assigned to the path characterization metric is a value, and the predetermined target condition is a value (Honeisen, para. 0086-0087, AMR_MASK takes an initial value of all 1's (i.e. predetermined target condition), each binary 1 indicates support, each binary 0 indicates no support--para. 0096, the condition received by the UE2 indicates modified values of 1's to show no support for particular rates). In addition, the same suggestion/motivation of claim 26 applies.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR GHOWRWAL whose telephone number is (571)270-5691. The examiner can normally be reached on M-Th 10a.m.-8:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick Ferris can be reached on (571)272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/O. G./
Examiner, Art Unit 2463